

## SUMMARY REPORT -

SUBJECT: COMPLAINT REGISTER INVESTIGATION NO.:  
CHICAGO POLICE DEPARTMENT

239642

DATE OF REPORT (DAY-MO-YEAR)  
05 December 1997  
07 January 1998TINSTRUCTIONS: SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED,  
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION ☒ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS  
☐ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM - INVESTIGATOR'S NAME Grace L. Wilson	RANK Inv	STAR NO. 64	SOCIAL SEC. NO. [REDACTED]	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 113
---	-------------	----------------	-------------------------------	----------------------------	---------------------

REFERENCE NOS. (LIST ALL RELATED C.R., C.B., I.R., INVENTORY NOS. ETC., PERTINENT TO THIS INVESTIGATION)

ADDRESS OF INCIDENT [REDACTED]			DATE OF INCIDENT - TIME 30 Aug 97 2130		BEAT OF INCIDENT 1223	LOCATION CODE* 17
NAME			RANK	STAR NO.	SOCIAL SEC. NO.	UNIT ASSIGN.
1. [REDACTED]			Civ		[REDACTED]	146
2. Robert Poholik			PO	10721	[REDACTED]	012
3.						
ACCUSED	SEX/RACE	D.O.B.	DATE OF APPOINTMENT		DUTY STATUS (TIME OF INCIDENT)	
	1. M/H	[REDACTED] 57	07 Apr 93		<input type="checkbox"/> ON DUTY <input checked="" type="checkbox"/> OFF DUTY	
	2. M/W	[REDACTED] 66	29 Jun 92		<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY	
	3.				<input type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY	
IF APPLICABLE - DATE ARRESTED/INDICTED			CHARGES		COURT BRANCH	DISPOSITION & DATE
1.						
2.						
3.						
COMPLAINANTS	NAME	ADDRESS**		CITY	STATE	TELEPHONE
	[REDACTED]	[REDACTED]				
VICTIMS	NAME	ADDRESS**		CITY	STATE	TELEPHONE
	Sgt. James Williamson #1866	Unit 012				
WITNESSES	NAME	ADDRESS**		CITY	STATE	TELEPHONE

☐ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

\* SEE REVERSE SIDE FOR CODES, INSTRUCTIONS FOR STATING ALLEGATIONS, AND COMPLETING THE REMAINDER OF THE SUMMARY REPORT.

\*\* IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

## ALLEGATIONS

Sgt. James Williamson, Star #1866, Unit 012, contacted the Office of Professional Standards on 30 August 1997 at 2235 hours and registered a complaint with Inv. Wilmouth, Star #82, on behalf of the complainant, [REDACTED] who is [REDACTED] assigned to Unit 146. Sgt. Williamson, Star #1866, also is a complainant in this investigation. Sgt. Williamson alleged that on 30 August 1997 at approximately 2130 hours or thereabout, during the course of [REDACTED] arrest at [REDACTED] 1) refused to leave the area during a narcotics investigation when asked to do so and struggled during his arrest. It is further alleged that [REDACTED] told Officers Scott Martin and Robert Poholik, 2) "I'll have your jobs. You don't know who your fucking with".

## INSTRUCTIONS

AFTER COMPLETING THE FORM, CONTINUE THE SUMMARY REPORT ON 8½ x 11 INCH WHITE PAPER.

### 1. ALLEGATIONS

In narrative form, state how, when, where, and by whom the complaint was received. State the date, time, and location where the incident occurred, and summarize the complaint. If more than one allegation is made, enumerate each allegation as follows:

- No. 1 (Summarize the allegation)
- No. 2 (Summarize the allegation)

### 2. EVIDENCE

Number and attach all statements, reports, and other evidence gathered, on the lower right hand corner. The Complaint Register number must also be entered on the lower right hand corner of each attachment. Following are examples of attachments and the sequence in which they may be numbered (EXAMPLES ONLY).

Attachments:

- No. 1 Complaint Against Department Member
- No. 2 Letter of complaint from victim
- No. 3 Statement of victim
- No. 4 Statement of witness (give name)
- No. 5 Report of member (give name)
- No. 6 Statement of member (give name)
- No. 7 Progress report of investigator (give name)
- No. 8 Copy of certified letter to complainant
- No. 9 Copy of Alcoholic Influence Report (accused)
- No. 10 General Offense Case Report, R.D. \_\_\_\_\_
- No. 11 Injury on Duty Report (give name of injured)

### 3. INVESTIGATION

In narrative form, indicate the fact-finding processes followed and the information ascertained as a result of the investigation. Whenever reference is made to an attachment, indicate the attachment number.

### 4. FINDINGS

Each allegation must be classified as either of the following:

Unfounded - Exonerated - Not Sustained - Sustained.

If the classification is "Sustained," indicate the rule number violated, the context of the rule, and how the rule was violated by the member.

Example: Allegation No. 1. Unfounded

Allegation No. 1. Sustained - Violation of Rule 12, Failure to wear the uniform as prescribed, in that on 27 Feb 84 the accused was found to be wearing a non-prescribed short sleeve shirt.

Even though the original allegation(s) may be Unfounded, etc., the

investigation may uncover a violation of serious nature unrelated to the original complaint, in which case disciplinary action should be recommended for the other violation.

Example: Allegation No. 1. Unfounded

Allegation No. 2. Not Sustained

Other violation: Sustained - Violation of Rule 26, Failure to provide the Department with a current address and telephone number, in that the accused related in his statement that he had moved and obtained a new telephone number and he had failed to provide this information to the Department.

### SUMMARY OF PREVIOUS DISCIPLINARY ACTIONS and RECORD OF PREVIOUS COMPLIMENTARY HISTORY

IN SUSTAINED CASES ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments to the final investigation report. Refer to the General Order entitled "Complaint and Disciplinary Procedures."

### 5. RECOMMENDATION FOR DISCIPLINARY ACTION

One (overall) recommendation for disciplinary action will be made by the investigator. The recommendation will be for all sustained findings; recommendations will not be made for each sustained allegation.

- Examples:
- 1. Violation noted, no disciplinary action warranted.
  - 2. That the accused member be reprimanded.
  - 3. That the accused member be suspended for \_\_\_ days (not to exceed 30 days).
  - 4. That the accused member be separated from the Department.

6. DATE INITIATED: (Date complaint was received for investigation)

7. DATE COMPLETED: (Date of this report)

8. ELAPSED TIME: (Total time, expressed in days)

(Investigator)			
Rank	Name	Star No.	Unit

### 9. APPROVALS

The investigator will initiate the Command Channel Review form (CPD-44.113) by completing the Investigator Section.

#### I.A.D. LOCATION CODES

- |                                  |  |
|----------------------------------|--|
| 01 Food Sales/Restaurant         | 11 Public Transportation Veh./Facility |
| 02 Tavern/Liquor Store           | 12 Park District Property              |
| 03 Other Business Establishment  | 13 Airport                             |
| 04 Police Building               | 14 Public Property - Other             |
| 05 Lockup Facility               | 15 Other Private Premise               |
| 06 Police Maintenance Facility   | 16 Expressway/Interstate System        |
| 07 CPD Automotive Pound Facility | 17 Public Way - Other                  |
| 08 Other Police Property         | 18 Waterway, Incl. Park District       |
| 09 Police Communications System  | 19 Private Residence                   |
| 10 Court Room                    |  |

#### I.A.D. PHYSICAL CONDITION CODES

- 01 No Visible Injury - Apparently Normal
- 02 No Visible Injury - Under Influence
- 03 Injured, Not Hospitalized
- 04 Injured, Not Hospitalized - Under Influence
- 05 Injured, Hospitalized
- 06 Injured, Hospitalized - Under Influence
- 07 Injured, Refused Medical Aid
- 08 Injured, Refused Medical Aid - Under Influence
- 09 Deceased
- 10 Deceased - Under Influence

ADDITIONAL COMPLAINANTS:

PO Robert Poholik, #10721, Unit 012

PO Scott Martin, #16449, Unit 012

ALLEGATIONS (Continued)

██████████ alleged that during his arrest on 30 August 1997 at approximately 2130 hours, while in the vicinity of ██████████ Officer Robert Poholik, Star #10721, Unit 012, 1) threw him to the ground and 2) slapped him on the face while inside the squad car. It is further alleged that Officer Poholik 3) slapped ██████████ inside the district station and while at ██████████ Officer Poholik 4) physically mistreated ██████████ by punching him during his arrest.

EVIDENCE/ATTACHMENTS:

1. Face Sheet
2. Initiation Report
3. Crime Scene Processing Report
- 3A-3E. Photos of ██████████ taken by an Evidence Technician
4. Arrest Report on ██████████
5. Lockup Screening Log for ██████████
6. Request for Interview with ██████████
7. Notification of Charges/Allegations for ██████████
8. Administrative Proceedings Rights for ██████████
9. Waiver/Request to Secure Counsel for ██████████
10. Notification of Charges/Allegation for ██████████
11. Administrative Proceedings Rights for ██████████
12. Statement of ██████████
13. Message from ██████████
14. Arrest Report for ██████████
- 14A. Lockup Screening Log for ██████████
15. Letter Sent to ██████████
16. Postal Receipt for letter sent to ██████████
17. Canvass
18. Request for Evidence Identification Photographs
19. Case Report - RD ██████████ (Delivery of a Controlled Substance)
20. Arrest Report for ██████████

EVIDENCE/ATTACHMENTS (Continued)

- 20A. Lockup Screening Log
- 21. Arrest Report for [REDACTED]
- 21A. Lockup Screening Log
- 22. To/From from Inv. III C. Smith, RE: Attempt to contact witnesses
- 22A. To/From from Inv. II G. Wilson
- 23. Letter Sent to [REDACTED]
- 24. Letter Sent to [REDACTED]
- 25. Oral Interview with [REDACTED]
- 26. To/From from Inv. III C. Smith
- 27. Returned Letter Sent to [REDACTED]
- 28. Postal Receipt signed by [REDACTED]
- 29. Request for Interview
- 30. Request for Interview
- 31. Request for Interview
- 32. Request for Interview
- 33. Request for Interview
- 34. Request for Interview
- 35. Fax Message
- 36. Notification of Charges for PO Robert Poholik, #10721, 012th District
- 37. Administrative Proceedings Rights for PO Robert Poholik, Star #10721, 012th District
- 38. Request/Waiver of Counsel for PO Robert Poholik, Star #10721, 012th District
- 39. Fax Message
- 40. Fax Message
- 41. Statement of Officer Gary Makowski
- 42. Fax Message
- 43. Fax Message
- 44. Statement of Officer Scott Martin
- 45. Statement of Officer Humberto Candelario
- 46. Statement of Officer Jean Borja
- 47. Statement of Officer Antonio Ponce
- 48. Notification of Charges/Allegations for Officer Robert Poholik
- 49. Administrative Proceedings Rights for Officer Robert Poholik
- 50. Statement of Officer Robert Poholik
- 51. Oral Interview with [REDACTED]
- 52. Notification of Charges/Allegations for [REDACTED]
- 53. Administrative Proceedings Rights for [REDACTED]
- 54. Statement of [REDACTED]

EVIDENCE/ATTACHMENTS (Continued)

- 55. Disclosure of Information Form
- 56. Message
- 57. Request for Medical Records
- 58. [REDACTED] Medical Records
- 59. Court Sheet
- 60. Investigator's Case Log

INVESTIGATION:

Sgt. Williamson, Star #1866, Unit 012, contacted the Office of Professional Standards on 30 August 1997 at 2235 hours and registered a complaint with Inv. Wilmouth, Star #82, on behalf of the complainant, [REDACTED] who is [REDACTED] assigned to Unit 146. [REDACTED] made various allegations of physical abuse against Officer Robert Poholik, which abuse allegedly occurred during [REDACTED] arrest. (Att. #2)

Sgt. Williamson further reported that he was on the scene of [REDACTED] arrest and witnessed same. Sgt. Williamson reported that [REDACTED] stepped from a bar during a narcotics investigation where a large crowd had gathered. Tactical officers at the scene had radioed for assistance and Officer Poholik and his partner, Officer Scott Martin, responded. Sgt. Williamson reported that [REDACTED] was asked numerous times to leave the area, but refused and was subsequently placed under arrest. [REDACTED] began to struggle with Officer Poholik and was placed on the ground and handcuffed. [REDACTED] was transported to the 012th district by Officers Poholik and Martin and charged with Disorderly Conduct. (Att. #2)

Sgt. Williamson reported that while inside the 012th District [REDACTED] informed Officers Poholik and Martin that he was a Police Department employee so Sgt. Williamson interviewed him. Sgt. Williamson stated that [REDACTED] told him that he should not have been arrested because he was just trying to see what was going on and added that the arresting officers had no right to make him leave the area. [REDACTED] told Sgt. Williamson that Officer Poholik threw him to the ground and slapped him on his face at the scene of arrest and that once inside the 012th District Station Officer Poholik slapped him on both sides of his face numerous times while he was handcuffed to a wall. (Att. #2)

Sgt. Williamson stated that he did not witness Officer Poholik commit any misconduct during [REDACTED] arrest. Sgt. Williamson stated that [REDACTED] struggled briefly with Officer Poholik who placed him into a squad car.

Sgt. Williamson reported that Officers Scott Martin, Gary Makowski, Humberto Candalario and Antonio Ponce were witnesses to [REDACTED] arrest. (Att. #2)

[REDACTED] provided two interviews - one at the onset of the investigation and the second after once the accused and the witness officers were interviewed. [REDACTED] stated that he was [REDACTED] and had consumed approximately four beers when he noticed other patrons of the tavern getting up and going towards the front door. [REDACTED] stated that he stood inside near the front door, and watched as Officer Poholik stood over a male/Hispanic named [REDACTED] and began striking him in the face. [REDACTED] stated that he yelled at Officer Poholik, telling him to stop beating [REDACTED] and admonished him for doing so, since [REDACTED] was already handcuffed. [REDACTED] stated that Officer Poholik told [REDACTED] to leave the area, but he responded that he was on private property and was just watching the arrest and minding his own business. Officer Poholik walked towards [REDACTED] and stated, "Come on" and [REDACTED] asked, "For what?" and Officer Poholik told [REDACTED] he was under arrest. [REDACTED] asked Officer Poholik why he was being arrested, but Officer Poholik grabbed [REDACTED] by his shirt and threw him forward towards the ground causing scrapes on his left shoulder and right elbow. [REDACTED] stated that he lost consciousness at this point and only recalled being dragged to the squad car. [REDACTED] stated that he was transported to the district along with [REDACTED] by the arresting officers, identified as Officers Poholik and Martin. [REDACTED] stated that while inside the squad car Officer Poholik slapped his face, so he told him that he worked with the Chicago Police Department and alleged that Officer Poholik was committing "police brutality". (Atts. #12,#54)

[REDACTED] continued that once inside the District Station Officer Poholik chained him to a wall and [REDACTED] was placed in another interview room. [REDACTED] stated that Officer Poholik began asking him questions, but when he responded Officer Poholik would slap [REDACTED]. [REDACTED] stated that Officer Poholik returned with some supervisors including Sgt. Williamson. [REDACTED] told Sgt. Williamson his unit of assignment and identified his commander and supervisors and further stated that he wanted to file a C.R. Number against Officer Poholik.

R/I asked [REDACTED] if he fought, threatened, struggled or resisted arrest and he stated that he did not remember because he passed out. In a later interview he stated that "no". [REDACTED] stated that he did not make any physical contact with Officer Poholik. R/I asked [REDACTED] if he told the police that they could not come inside the tavern and he stated, "no" and added, "I'm not the owner, I'm just a patron there".

R/I asked [REDACTED] why he did not leave the area as instructed by the police and he stated that he was not doing anything wrong and felt that Officer Poholik wanted him to leave so he

would not witness what was going on. [REDACTED] stated that he was not standing outside the tavern, but was near the second open door and the incident occurred outside the tavern approximately 10 feet away. R/I asked [REDACTED] if he told the arresting officers, "I'll have your jobs" or "You don't know who you're fucking with" and he stated that he never said this.

R/I asked [REDACTED] to describe his injuries after allowing him to review the photos taken of him by an Evidence Technician. [REDACTED] stated that his right eye was swollen as a result of being slapped by Officer Poholik and he had dirt on his left shoulder after Officer Poholik threw him to the ground. He sustained a scrape on his left shoulder and right elbow as a result. (Atts. #12, #54)

R/I viewed [REDACTED] photos, but they revealed no noticeable injury. (Atts. #3-#3E)

[REDACTED] medical records indicate that he visited [REDACTED] on 11 September 1997, approximately 12 days after the incident occurred, and sought emergency room treatment for pain to his elbow and knees. [REDACTED] told the hospital staff he was trying to break up a fight when his injuries occurred and was diagnosed as having sustained contusions on his knees. [REDACTED] was prescribed Tylenol #3. (Att. #57)

The Screening Log indicates that [REDACTED] had no obvious pain or injury when admitted to the lockup. (Att. #5)

[REDACTED] Arrest Report indicates that he was arrested on 30 August 1997 at 2130 hours by Officers Pholik and Martin for Disorderly Conduct. The narrative portion of the report states that Officers Pholik and Martin responded to an assist call made by 012th District tactical officers which resulted in the arrest of four offenders. [REDACTED] Arrest Report states that once Officers Poholik and Martin arrived they observed a crowd gathering so they asked [REDACTED] to leave, but he refused and told the officers that he did not have to leave. [REDACTED] was placed under arrest using "necessary force" and transported by Officers Poholik and Martin to the district station for processing. (Att. #4)

The related Case Report and subsequent Arrest Reports indicate that [REDACTED] were arrested for Delivery of a Controlled Substance on 30 August 1997 at 2130 hours by Officers Candelario, Borja and Ponce. The narrative portion of the Case Report states that the arresting officers were traveling eastbound on [REDACTED] when they observed several male/Hispanics standing near [REDACTED] which is a targeted location known for gang and narcotic-related activities. The arresting officers observed a drug transaction so they approached the offenders for a field interview, but [REDACTED] threw a small bottle containing suspect PCP and fled with Officer Candelario in pursuit. [REDACTED] was

apprehended and detained. Officer Borja recovered the bottle. Officer Candelario told Officer Ponce to detain [REDACTED] for Delivery of a Controlled Substance. (Atts. #14, #19, #20, #21)

The Arrest Reports of [REDACTED] indicate that [REDACTED] were arrested for Delivery of a Controlled Substance and were transported to the District Station by Officers Candelario, Borja and Ponce while [REDACTED] was arrested for Possession of a Controlled Substance and was also transported by Officers Candelario, Borja and Ponce. (Atts. #14, #20, #21)

Several attempts were made to contact [REDACTED] but these attempts were met with negative results.

[REDACTED] provided a brief oral telephone interview. [REDACTED] stated that on 30 August 1997 he was arrested with [REDACTED] and a man known only to him as [REDACTED]. [REDACTED] refused to provide any details surrounding his arrest, except to say that [REDACTED] were arrested by three male/Hispanic officers dressed in plainclothes, who just walked up to them and placed them in handcuffs. [REDACTED] stated that [REDACTED] were driven to the station together following their arrest, but [REDACTED] was transported by another squad car. [REDACTED] stated that once inside the station he and [REDACTED] were placed in separate rooms. [REDACTED] stated that he never saw [REDACTED] abused in his presence at the scene of arrest and had nothing further to add. (Att. #25)

[REDACTED] provided a brief oral telephone interview. [REDACTED] stated that he was riding a bike when he saw [REDACTED]. [REDACTED] stated that prior to seeing [REDACTED] he had consumed a beer and was intoxicated. [REDACTED] stated that he saw several officers approaching him and was afraid because he was on probation for theft and did not want to be arrested. [REDACTED] stated that he ran, but decided to stop since he had not committed any crime. [REDACTED] stated that a male plainclothes officer told him to get on the ground and he complied. [REDACTED] stated that he was dizzy and could not recall whether or not the officer was white or Hispanic. [REDACTED] stated that he felt something hit him on the head and he was placed in a squad car and taken by himself to the station. Once at the station he saw [REDACTED] along with other arrestees. [REDACTED] stated that he did not witness anyone else's arrest. [REDACTED] stated that he was not injured during the incident. (Att. #51)

Officer Scott Martin, the officer who arrested [REDACTED] stated that he and Officer Poholik were on routine patrol when they monitored a call for assistance by members of the tactical team. They went to [REDACTED] and placed the subject, later identified as [REDACTED] inside their squad car and brought him to [REDACTED] where the rest of the tactical team was located.



Once the officers arrived at [REDACTED] Officer Martin observed four subjects standing near a wall so Officer Martin remained inside the squad car with the prisoner while Officer Poholik exited the vehicle to assist the tactical officers. Officer Martin stated that he saw a crowd gathering. Officer Poholik returned to the squad car with [REDACTED] in custody and once he was placed inside the squad car he was transported to the district station for processing. (Att. #44)

Tactical Officers Candelario and Borja provided written statements. Officer Candelario and Borja stated that they observed a narcotics transaction at [REDACTED] but when Officer Candelario approached the offenders for a field interview [REDACTED] ran, but Officer Candelario pursued him on foot while Officer Borja followed him in the squad car. Officer Ponce remained with the other offenders. [REDACTED] was apprehended at [REDACTED] and narcotics were recovered. Once Officers Candelario and Borja returned to where Officer Ponce was holding the other offenders Officer Candelario noticed that a crowd had gathered. The offenders involved in the narcotics incident along with another male/Hispanic were taken into custody. Officer Candelario and Officer Borja stated that they did not observe [REDACTED] arrest and added that [REDACTED] was already taken into custody by the time he returned to [REDACTED]. Officer Candelario and Officer Borja denied witnessing any misconduct of any kind. (Atts. #45, #46)

Officer Makewski provided a written statement. Officer Makewski stated that he responded to a call for assistance by Officers Ponce, Borja and Candelario, but by the time he responded the narcotics suspects were in custody, but the narcotics had not been recovered so he began searching for same. Officer Makewski stated that he saw patrons of a nearby tavern coming into the street. [REDACTED] was standing near the doorway yelling at the officers and telling them they could not enter the tavern because it was private property. Officer Makewski stated that the next thing he saw was [REDACTED] being taken to the squad car by a uniformed officer.

R/I asked Officer Makewski if he observed any injuries on [REDACTED] and he stated "no", but he added that he heard [REDACTED] yelling, but could not recall what he was saying. Officer Makewski stated that he did not observe [REDACTED] fight anyone, but he was described as "loud" and smelling of alcohol. Officer Makewski stated that he did not observe any misconduct on the part of any Department member. (Att. #41)

Officer Antonio Ponce provided a written statement. Officer Ponce stated that after observing a drug transaction at [REDACTED] he remained at that location with some offenders while Officers Candelario and Borja chased another offender on foot. Officer Ponce stated that he radioed for assistance and once it arrived he patted down two offenders and placed them into a squad car. A third offender was brought to [REDACTED] afterwards and Officers Borja

and Candelario returned to the scene also. Officer Ponce stated that while en route to the station he was informed that there was a fourth arrestee, namely [REDACTED] but he denied witnessing his arrest. Officer Ponce denied witnessing any misconduct on the part of any Department member. (Att. #47)

Accused Officer Robert Poholik, provided a written statement. Officer Poholik stated that he and Officer Martin monitored a call for assistance by tactical officers identified as Borja, Ponce and Candelario. Once they responded to the call at [REDACTED] he saw Officers Candelario and Borja placing a subject, namely [REDACTED] into custody. Officer Poholik stated that he and Officer Martin placed [REDACTED] in their vehicle and left to meet Officer Ponce, who was detaining other possible offenders down the street. Once they arrived at [REDACTED] Officer Poholik saw Officer Ponce searching an offender near a bar and he noticed that a large crowd had gathered so he asked the crowd to disperse. The crowd began to disperse except [REDACTED] who had walked out of the bar onto the sidewalk. Officer Poholik stated that he asked [REDACTED] several times to leave, but he refused and added that he did not have to listen. Officer Poholik threatened [REDACTED] with arrest, but he remained at the scene so Officer Poholik told [REDACTED] that he was under arrest for Disorderly Conduct. [REDACTED] refused to put his hands behind his back when asked, but swung his arms and kicked. Officer Poholik stated that he grabbed [REDACTED] arms, placed him on the ground by putting pressure on his arms above his elbows, placed both his hands behind his back and handcuffed him. Officer Poholik stated that he weighs 235 pounds and [REDACTED] weighs approximately 155 pounds so he did not have to use a lot of force to place him on the ground. Officer Poholik stated that he picked [REDACTED] up and placed him inside his squad car. Officer Poholik stated that when he picked [REDACTED] up he stated, "You don't know who you're fucking with. I'll have your jobs".

Officer Poholik stated that he did not observe any visible injuries on [REDACTED] nor did he complain of any. He added that [REDACTED] did have a strong odor of alcohol on him and seemed irrational and loud. Officer Poholik denied all allegations lodged against him. (Att. #50)

#### CONCLUSION:

The R/I is closing this investigation with a finding of Not Sustained against Officer Poholik and [REDACTED]. Without the cooperation of [REDACTED] it is difficult to ascertain which account of the incident is more credible.

FINDINGS:

Allegations #1-#2

NOT SUSTAINED against [REDACTED]  
[REDACTED] Unit 146

Allegations #1-#4

NOT SUSTAINED against Officer Robert Poholik, Star #10721,  
Unit 012

DATE INITIATED: 2 September 1997  
DATE COMPLETED: 5 December 1997  
ELAPSED TIME: 94 Days

[REDACTED]  
Investigator Grace Wilson, Star #64

APPROVED:

[REDACTED]  
O.P.S. Supervisor James Henry, Star #104

/lt